REMARKS/ARGUMENTS

Applicants acknowledge receipt of the Final Office Action dated November 28, 2005. In that action the Examiner rejected claims 21-36 under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. App. No. 2002/0049903 ("Ussery") in view of U.S. Pat. No. 6,112,239 ("Kenner"). Based on the arguments contained herein, Applicants respectfully request reconsideration and allowance of the pending claims.

I. CLAIM REJECTIONS

Claim 1, in part, requires "conducting a data upload directly between the first computer and the second server to store the user-specific data at the second server." In the Office action, the Examiner asserts that Applicants defined the term "directly" in the specification (see Office action, page 6, item 17). While Applicants agree with the Examiner that the term "directly" is defined for one embodiment by the description "the client machine 104 makes an API call for the upload directly to the USC server 202A, using: sd12345.zzz.net/file_upload.api?cS=<session key>&file=<filename>&callback=<url>" (see Specification, page 15, lines 1-5), Applicants disagree with the Examiner's interpretation of this description and of Ussery's system. To clarify, if Applicants' client machine 104 makes the API call to the USC server 202A, the host name "sd12345.zzz.net" resolves to a specific IP address related to the USC server 202A. As such any network component between the client machine 104 and the USC server 202A functions only to direct network traffic (*e.g.*, as routers, repeaters, switches, or servers functioning as proxy servers).

Applicants respectfully submit that a person of ordinary skill in the art would clearly interpret the limitation "conducting a data upload directly between the first computer and the second server to store the user-specific data at the second server" as a communication in which any notion of a "server" between the client and the destination server (*e.g.*, a server having the address "sd12345.zzz.net") would be limited to serving as a network traffic device and not a destination server to process the request. In contrast, Ussery teaches establishing a logical link between a client (at terminals 204, 206, 208, 214, 216, 218) and a final database 101. In Ussery, the controllers 104, 106 serve as the element that responds to, and is therefore the destination server for, all the requests by the clients. This is true regardless of where the database 101 is

stored using the remote distributed memory units 108, 110, 112, or where the client requests are coming from. Because client requests are processed by the controllers 104, 106 and are subsequently relocated to the distributed memory units 108, 110, 112, Ussery conducts a data upload that is indirect. In other words, the controllers 104, 106 do not only function as a network traffic device as would be required for Applicants' claimed "conducting a data upload directly between the first computer and the second server to store the user-specific data at the second server."

In describing the controllers 104, 106, Ussery discloses "the security controller 106 operates repeatedly to (i) divide database 101 into portions 101a-101n and (ii) store ones of portions of 101a-101n to ones of distributed memory units 108-112. Security controller 106 systematically redistributes data 101 over distributed memory units 108-112. Exemplary access controller 104 operates to repeatedly establish views of ones of selectable records of database 101 in response to security controller 106 redistributing portions 101a-101n of database 101 over distributed memory units 108-112" (paragraph [0041]). Ussery further discloses "[d]ata administrator 102, via access controller 104 and security controller 106, proves a database management system ("DBMS") operable to control user entry, modification, organization, access/selection of data in database 101" (paragraph [0043]). Ussery further discloses "[s]ecurity controller 106 utilizes associated data record tags to provide the required data record to access controller 104. Access controller 104 may then assemble the data record into a predetermined format, for instance a spreadsheet, for the client to view" (paragraph [0046]).

Additionally, Ussery discloses "[d]atabase administrator 102 then receives, over time, client data for entry therein or modification thereto" (paragraph [0047]) and "[a] profile table is initially created by the authorized user and information in the table is used at every login to create a login table that allows security controller 106 to link the requested data records together to establish a view" (paragraph [0048]). Ussery further discloses "[a]ccess controller 104 operates, in any scenario, to repeatedly establish views of ones of the selectable records in response to security controller 106 redistributing portions 101a-101n of database 101 over distributed memory units 108-112" (paragraph [0051]). Ussery further discloses "[s]ecurity controller 106 receives data entered by the client and adds the appropriate tags to each data record for tracking. Security

controller 106 maintains a pointer to each record so that it may be relocated anywhere in a distributed memory unit system 108-112" (paragraph [0057]).

Additionally, Ussery discloses "[s]ecurity controller 106 divide[s] database 101 into portions of selectable records and redistributes the same...over distributed memory units 108-112 (process step 304)" (paragraph [0058]). Ussery further dislcoses "[a]fter verifying the login entry, access controller 104 passes the requested information (data cell views) to security controller 106. Security controller 106 utilizes the links established during data entry to retrieve the pertinent data cells. Security controller 106 then passes each data cell to access controller which configured the data cells (process step 310)" (paragraph [0059]).

Based on Ussery's description, it is clear that the controllers 104, 106 do not function only as network traffic devices as would be required for "a data upload directly" as in Applicants' claimed "conducting a data upload directly between the first computer and the second server to store the user-specific data at the second server." None of the references cited by the Examiner, considered individually or together, teach or suggest the above limitation. For at least these reasons, claim 21 and its dependent claims are allowable over the cited references.

Claim 29, in part, requires "a data upload to store the user-specific data at the second server is conducted directly between the first computer and the second computer." As previously discussed, Ussery teaches an indirect method to perform a data upload to a database 101 using controllers 104, 106 that do not function only as network traffic devices. None of the references cited by the Examiner, considered individually or together, teach or suggest "a data upload to store the user-specific data at the second server is conducted directly between the first computer and the second computer" as is required in claim 29. For at least these reasons, claim 29 and its dependent claims are allowable over the cited references.

II. CONCLUSION

In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be

other distinctions between the claims and the prior art which have yet to be raised, but which may be raised in the future.

Given the various differences between the claimed inventions and the prior art, Applicants respectfully ask that the Examiner allow all the present claims and issue a notice of allowance in due course. If any fees or time extensions are inadvertently omitted or if any fees have been overpaid, please appropriately charge or credit those fees to Conley Rose Deposit Account Number 03-2769 and enter any time extension(s) necessary to prevent this case from being abandoned.

Respectfully submitted,

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